

**FUNERAL DIRECTORS EXAMINING BOARD
MINUTES
MADISON, WISCONSIN
OCTOBER 19, 1999**

PRESENT: Roy Pfeffer, Rick Unbehaun, W. Robert Cress, Peter Schils and Bonnie Gift. Dan Densow was present (only for discussion relating to Certificates in Good Standing and for consultation with Assistant Attorney General Bruce Olson concerning Cemetery Services, Inc.)

ABSENT: Dan Densow (for several portions of the meeting)

STAFF PRESENT: Cletus Hansen, and Jacquelynn Rothstein, Legal Counsel; Becky Fry, Secretary Marlene Cummings and Division of Enforcement staff were present for portions of the meeting.

GUESTS: Ashley Moore, FSA
Bill Cress, FSA
Mark Paget, WFDA
Mark Krause, FSA
Christine Jacobs
Attorney Pete Christianson

CALL TO ORDER

The meeting was called to order at 9:35 a.m. by Roy Pfeffer, Chair. A quorum of 5 members was present.

AGENDA

MOTION: Bonnie Gift moved, seconded by Robert Cress, to adopt the agenda, as published. Motion carried unanimously.

MINUTES (8/11/99)

MOTION: Rick Unbehaun moved, seconded by Bonnie Gift, to approve the minutes, as written. Motion carried unanimously.

ADMINISTRATIVE REPORT

Secretary Cummings' Report

Secretary Cummings reviewed discussions that she has had with several legislators about the proposed legislation relating to Certificates in Good Standing. She encouraged the Board to amend the proposal, so that consumers will be protected and legislators will support it.

Bureau Director's Report

Board Member Roster

The Board received an updated roster. Noted. Pete Schils provided a different fax number.

2000 Meeting Dates

Noted.

Regulatory Digest

The Board reviewed the draft of the Regulatory Digest. Noted.

To-Pass Folder

The To-Pass Folder was circulated and duly noted.

LEGISLATIVE UPDATE

Regulation of Crematories

Tabled until the next meeting.

Update and Action Relating to Unspecified Bills That May Have Been Introduced

Rick Unbehaun and several guests referred to and provided information about AB 538, relating to minimum standards for life insurance policies in which the proceeds are assigned to funeral directors or funeral establishment operators. The board noted that a hearing will be conducted by the Assembly Insurance Committee and requested that Jacquelynn Rothstein attend the meeting only to obtain information. The Board deferred action on this matter until a future meeting.

Certificates of Good Standing

The certificates of good standing issue was moved down the agenda until Dan Densow was available by teleconference.

Budget Bill Amendment – Consumer Disclosures

The Board noted the letters sent to Senator Kevin Shibilski and Representative Phil Montgomery by Clete Hansen.

1999 Senate Bill 69 –Seasonal Burials

The Board noted the Senate Amendment 1, to 1999 SB 69.

ADMINISTRATIVE RULES

Final Copy of the Revised Rule: FD 6

Clete Hansen referred to the final rule, published in the latest issue of the Regulatory Digest. He called the Board's attention to several typographical errors that the Office of the Revisor of Statutes may be able to correct without additional Board action. The Board's order was correct.

WFDA MASTER TRUST PROGRAM

Mark Paget, Executive Director of the Wisconsin Funeral Directors Association, explained the materials in the Board meeting packet that pertained to the WFDA Master Trust Program.

MOTION: Pete Schils moved, seconded by Rick Unbehaun, to approve the WFDA Master Trust Program with the understanding that Mark Paget will revise Paragraph 4 on the backside of the contract, so that it more clearly addresses the transfer of the trust funds to another funeral home when there is a change of residence within 25 miles of the funeral homes service area. Motion carried unanimously.

EXAMINATION ISSUES

Exam Dates for 2000

Noted.

BOARD MEMBER ACTIVITY

Roy Pfeffer reminded Board members that he will be attending a meeting of the 96th Annual Convention of the International Conference of Funeral Service Examining Boards on October 27-29, 1999.

REPORT OF THE ADVISORY COMMITTEE ON FUNERAL DIRECTOR APPRENTICESHIP ISSUES

Clete Hansen referred to the minutes of the Funeral Director Apprentice meetings on October 1, 1999. He said that at a future meeting he will submit all of the recommendations of the committee, including the proposed revision of the application and reporting forms.

The Board noted the proposed definition of "direct supervision."

CORRESPONDENCE FROM REPRESENTATIVE GARY SHERMAN REGARDING 30-DAY WAITING PERIOD FOR CONVERSION OF BURIAL TRUSTS

The Board reviewed a letter from Representative Gary E. Sherman, relating to a statutory change to eliminate or reduce the 30-day waiting period for conversion of a burial trust to a burial agreement funded by a life insurance policy. The Board noted the adverse impact of this waiting period on compliance with medical assistance requirements under Title 19.

MOTION: Robert Cress moved, seconded by Rick Unbehaun, to recommend that the statutes be revised to reduce the 30-day waiting period to 7 calendar days. Motion carried unanimously.

CERTIFICATES OF GOOD STANDING

Applications for Reinstatement

Dan Densow was present by telephone conference at 11:21 a.m.

Roy Pfeffer informed Dan Densow that Secretary Cummings indicated that Senator Gary George is no longer in support of the bill. It was suggested that the Board come up with a compromise for re-licensing individuals who hold a certificate of good standing, which would be agreeable with the legislators.

Clete Hansen explained that Bill Dusso has been in contact with Attorney Russ Whitzel, LRB Staff Attorney, who is working with several legislators on this issue.

Clete Hansen explained that the legislators would possibly agree with requiring the legal portion of the exam and possibly continuing education.

The Board members each offered their suggestions regarding requirements for re-licensure of certificate of good standing holders.

Members of the public expressed their concern with what is required for re-licensure and also the concern of the Legislature overriding the requirements recommended by the Board.

MOTION: Peter Schils moved, seconded by Robert Cress, to recommend that applicants for a regular license who hold a certificate of good standing for over 5 years obtain 30 continuing education units, with a minimum of 6 credits from Sec. 4.04(1)(a)(2), Stats., professional conduct, business ethics or legal aspects and a minimum of 10 credits from Sec. 4.04(1)(a)(4), Stats., technical or practical aspect, take and successfully pass the state law exam and perform 10 embalmings within 12 months, under the direct supervision of a licensed embalmer. Motion carried unanimously.

MISCELLANEOUS CORRESPONDENCE/INFORMATION

Abbit Management Corp.

The Board received a copy of Clete Hansen's letter dated August 23, 1999, to James VanDyke. Noted.

News Articles re: The Loewen Group

Noted.

Letters to Stewart Enterprises, Inc.

Noted.

TEMPORARY WORK PERMIT FOR RECIPROCITY

Clete Hansen presented Judy Mender's suggestions regarding temporary work permits for reciprocal applicants for a funeral director's license. Noted.

NEW BUSINESS

Nothing to report.

PUBLIC COMMENTS

Rick Unbehau thanked the chair for allowing the public to speak.

A member of the public asked if there was any update on the sale of SCI cemeteries that could be shared with the public.

Roy Pfeffer indicated that as of right now, the Board is not aware of the sale having taken place. This issue will be discussed further in closed session.

RECESS TO CLOSED SESSION

MOTION: Rick Unbehau moved, seconded by Bonnie Gift, to convene the meeting in Closed Session pursuant to Sections 19.85(1)(a), (b), and (f), Wis. Stats., to consider the licensing or discipline of a person licensed by the Board or the investigation of charges against such a person. Specifically, to discuss the issue of case status reports, case closings, monitoring issues, reinstatement requests, extension requests, examination challenges, deliberations on stipulations that may be signed after printing of the agenda, pending applications, and disciplinary proceedings. Motion carried unanimously by a roll call vote: Robert Cress-yes; Rick Unbehau-yes; Roy Pfeffer-yes; Peter Schils-yes; Bonnie Gift-yes.

Open Session recessed and the Closed Session convened at 12:51 p.m.

The Board received a copy of the Case Status Report.

The Board deliberated on apprenticeship issues, pending applications, and monitoring reports, and consulted with legal counsel and Assistant Attorney General Bruce Olsen. The Board also permitted Benjamin Barbour to address the Board concerning a disciplinary action previously taken by the Board.

RECONVENE IN OPEN SESSION

MOTION: Rick Unbehaun moved, seconded by Peter Schils, to reconvene in Open Session at 4:34 p.m. Motion carried unanimously.

VOTING ON ITEMS CONSIDERED OR DELIBERATED UPON IN CLOSED SESSION

PENDING APPLICATIONS

MOTION: Peter Schils moved, seconded by Bonnie Gift, to require Julian Jasper to complete 15 additional CEU's, apply for apprentice permit, successfully pass the state law exam, and perform ten embalmings under the direct supervision of a licensed funeral director, all to be completed within 12 months, to receive a funeral director's license. Motion carried unanimously.

MOTION: Rick Unbehaun moved, seconded by Peter Schils, to require Duane Hunter to apply for a 1-year apprentice permit, successfully complete the state law exam, complete 30 CEU's, with a minimum of 6 CEU's from category 2 and a minimum of 10 CEU's from category 4, and perform 10 embalmings under the direct supervision of a licensed funeral director, to receive licensure. Motion carried unanimously.

APPRENTICESHIP APPLICATIONS

MOTION: Rick Unbehaun moved, seconded by Peter Schils, to request Martin Thomas to complete and submit a formal apprenticeship application for the Board's consideration. Motion carried unanimously.

MOTION: Bonnie Gift moved, seconded by Robert Cress, to request Amanda Johnson to complete and submit a formal apprenticeship application for the Board's consideration. Motion carried unanimously.

MOTION: Peter Schils moved, seconded by Robert Cress, to approve the application for apprenticeship for Curtis Benjamin. Motion carried unanimously.

MONITORING REPORT

MOTION: Rick Unbehaun moved, seconded by Bonnie Gift, to authorize Jacquelynn Rothstein to send a letter inviting Benjamin Barbour to reappear before the Board on May 16, 2000, for reconsideration. Motion carried unanimously.

ADJOURNMENT

MOTION: Rick Unbehaun moved, seconded by Bonnie Gift, to adjourn the meeting at 4:40 p.m. Motion carried unanimously.